

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

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|------------------------|---|--------------------------|
| EDWARD M. HOPKINS, |) | |
| |) | |
| Petitioner, |) | |
| |) | CAUSE NO. 3:06-CV-532 WL |
| vs. |) | |
| |) | |
| SUPERINTENDENT INDIANA |) | |
| STATE PRISON, |) | |
| |) | |
| Respondent. |) | |

OPINION AND ORDER

On August 28, 2006, Edward M. Hopkins, a *pro se* prisoner, filed a habeas corpus petition attempting to challenge his state court conviction. On January 24, 2007, Mr. Hopkins filed a motion to appoint counsel, which the court denied on February 5, 2007. On February 26, 2007, Mr. Hopkins filed a motion for reconsideration of the court's February 5, 2007 order. On March 7, 2007, the court denied Mr. Hopkins' motion for reconsideration. In that order, the court stated that "[s]hould the court determine at any future point in this proceeding that Mr. Hopkins cannot competently represent himself, the court may...appoint counsel to represent him" (docket # 20). On April 18, 2007, Mr. Hopkins again filed a motion to appoint counsel. In this motion, Mr. Hopkins asserts that he is illiterate and that other inmates have had to file his previous papers on his behalf. In support of this claim, Mr. Hopkins attaches test scores which demonstrate his reading level.

In *Gil v. Reed*, 381 F.3d 649, 657 (7th Cir. 2004), the court found that counsel should have been appointed to a *pro se* litigant when the litigant's limited English skills and reliance on another inmate to draft his court papers demonstrated an inability to try the case himself. Because it appears that Mr. Hopkins is illiterate and cannot competently represent himself, the court, without expressing any opinions regarding the merits of Mr. Hopkins' claims, now **GRANTS** Mr. Hopkins' motion for appointment of counsel. (docket # 25).

Accordingly, effective June 18, 2007, the court now appoints as counsel for petitioner, Michael L. Parkinson, 318 Brown Street, Lafayette, Indiana 47901, telephone number (765)742-7109. If counsel concludes after a thorough investigation of the facts and research of the law that petitioner's claim is wholly lacking in merit, counsel may petition the court to withdraw as counsel. Because the deadline for filing a traverse has since passed, the petitioner has until August 24, 2007 to file his traverse.

The Clerk is now **ORDERED** to send a copy of this order to Mr. Michael Parkinson at the above address. The Clerk is further ordered to send the file in this case to the Lafayette Clerk's Office so that new counsel may review the file. The file may be returned to the South Bend Clerk's Office one month later.

SO ORDERED.

ENTERED: June 18, 2007

s/William C. Lee
William C. Lee, Judge
United States District Court